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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Policies, Procedures and Rules for California Solar Initiative, the Self-Generation Incentive Program and Other Distributed Generation Issues.

Rulemaking 06-03-004
(Filed March 2, 2006)

**ASSIGNED COMMISSIONER'S RULING
REVISING SCHEDULE FOR PHASE TWO**

This ruling provides a revised schedule for two priority issues in Phase 2 of this proceeding, namely solar incentives through the California Solar Initiative (CSI) to low income and affordable housing communities and funding for solar and distributed generation research, development and demonstration.

**1. Solar Incentives for Low Income/
Affordable Housing**

When the Commission initiated this rulemaking in March 2006, we listed financial assistance to promote solar projects in low income communities as one of multiple issues we would consider in this proceeding. (Rulemaking (R.) 06-03-004, p. 5.)¹ In the scoping memo of April 2006, the Commission slated consideration of incentives to low income and affordable housing communities for Phase 2. At that time, we envisioned turning to low income/affordable

¹ The Commission (or CPUC) collaborates with the California Energy Commission (CEC) on the CSI. The CPUC portion of CSI will address assistance for solar projects on existing low-income and affordable housing, while the CEC is responsible for solar incentives for residential new construction.

housing incentive issues in late 2006. The passage of Senate Bill 1,² however, required the Commission to spend more time and resources on Phase 1 of CSI than was initially planned. Thus, a schedule revision is now necessary.

Now that we have concluded Phase 1 of this rulemaking and the mainstream CSI program of performance-based incentives is in place, we must turn to critical examination of how to tailor the CSI to the needs of the low income and affordable housing communities. Late last year, the Legislature passed Assembly Bill (AB) 2723 (or “Pavley Bill), which amended the Public Utilities Code to require the Commission to use not less than 10% of CSI funds for the installation of solar energy systems on low-income residential housing.³ The Pavley Bill defines low income residential housing differently than the low income programs the Commission currently administers through its California Alternative Rates for Energy (CARE) and Low Income Energy Efficiency (LIEE) programs.

In order to move forward expeditiously with design of a solar incentive program for low-income residential housing, Commission staff will focus immediately on preparing a Staff Proposal for an incentive program targeting existing low-income single family owner-occupied dwellings. Energy Division staff should prepare a proposal no later than April 16, 2007, followed by a workshop and opportunity for comment by all interested parties, with the goal of issuing a proposed decision on incentives for low-income residents of single-family owner-occupied housing in August 2007.

² Statutes of 2006, Chapter 132.

³ In Decision (D.) 06-12-033, the Commission adopted a total CSI budget of \$2,166,800,000 and a low income budget of \$216,680,000. (D.06-12-033, p. 28.)

At the same time, this ruling directs the CSI program administrators to work as a group with interested parties and other knowledgeable persons to design a proposal targeting incentives to existing low-income multi-family housing. I propose this dual approach to tackling the issue of an incentive program because staff has preliminarily identified numerous complex issues associated with incentives to low-income multi-family housing, such as unique financing needs for existing rental housing, master meter vs. sub-metering concerns, allocation of net energy metering credits, and interconnection complexity, that may require more time and greater expertise in low-income and affordable housing issues to resolve. Therefore, I propose immediate development by staff of a proposal for single-family owner-occupied dwellings, coupled with a directive to program administrators to begin work on a proposal that considers the complexity of incentives to multi-family housing. The program administrators shall have until mid-July 2007 for their proposal development.

Both the staff proposal for single family-owner-occupied housing and a joint program administrator proposal for multi-family housing should consider how to target the relevant low income community as defined by the Pavley Bill, but also consider how to target the low income and affordable housing community if the definition were amended by future legislation to include CARE/LIEE eligible households. For purposes of proposal development, both the Energy Division Staff Proposal and the program administrators' proposal should assume they each can spend no more than half of the \$216 million allocated to the CSI Low Income program for their target population, including administration. The Commission can adjust the allocations of incentives between single-family and multi-family residences when it reviews and acts on the

proposals and once it has further information on the eligibility for incentives within these target groups.

The program administrators should ensure that as they jointly draft a proposal for low-income multi-family housing, they involve experts from the low-income and affordable housing communities, particularly experts in multi-family housing and finance. The program administrators may hire consultants to help with proposal development, and any funds used for this purpose will be counted toward the administrative portion of the low income program budget. The program administrators should work with the Commission's Energy Division to keep the Commission apprised of any workshops or other forums where they solicit input from parties or experts in low income residential housing.

The program administrators should jointly file their proposal no later than July 16, 2007. Any proposal should:

- Consider the issue set forth in the attached staff document on low-income and affordable housing. (See Appendix A to this ruling.)
- Discuss the most appropriate organization to administer incentives and support for the CSI low income incentive program. In other words, the proposal should describe whether the current CSI administrators (individually or collectively) will handle these incentives or whether a different form of administration is better suited to this portion of the CSI program.
- Contain comprehensive proposals for incentives and/or a loan program, and sufficient detail to implement such a program.

After the program administrators jointly file their proposal, the Energy Division will facilitate a workshop so that parties or other interested

persons and organizations from the affected communities can better understand the proposal.

The following schedule shall apply for Low Income Incentive issues in Phase 2, which will be handled by Administrative Law Judge (ALJ) Duda:

Proposal for Low-Income, Single Family Owner Occupied Housing

Staff Proposal circulated for comment by ALJ Ruling	No later than April 16, 2007
Energy Division Workshop	April 30
Comments	May 11
Reply Comments	May 21
Proposed Decision issued for comment	August 2007

Proposal for Multi-Family Low-Income Housing

Program Administrators jointly file proposal	July 16, 2007
Energy Division Workshop	August 2007
Comments	To be determined
Reply Comments	To be determined
Proposed Decision issued for comment	4 th Quarter 2007 or 1 st Quarter 2008

The assigned ALJ has the authority to modify the above schedule, after consultation with the Assigned Commissioner.

2. Research, Development and Demonstration (RD&D)

In D.06-01-024, the Commission declared its intent to use a portion of CSI funds for solar and distributed generation RD&D, while at the same time working collaboratively with the CEC to manage this effort. The April 2006 scoping memo scheduled RD&D as a Phase 2 issue. Pursuant to SB 1, the Commission may allocate no more than \$50 million of its total CSI budget to solar and distributed generation RD&D. (Pub. Util. Code § 2851 (c)(1).) Again,

the Commission's Phase 1 schedule was impacted by the passage of SB 1, and we must now revise our schedule for exploration of RD&D issues.

Commission staff has performed background research on solar RD&D topics and collaborated with the CEC on its solar RD&D plans, which are funded through the Public Interest Energy Research (PIER) program. Commission Staff envisions issuing a proposal for public comment on CSI RD&D in February 2007. Staff would also hold a workshop to allow interested stakeholders to learn more about the proposal.

The following schedule applies for RD&D topics in Phase 2 of this proceeding, which will be handled by ALJ Ebke:

Energy Division proposal circulated for comment by ALJ ruling	February 2007
Energy Division Workshop	February or March 2007
Comments	To be determined
Reply Comments	To be determined
Proposed Decision issued for Comment	2 nd Quarter 2007

3. Other Phase 2 Issues

In addition to low income/affordable housing and RD&D, the Commission intends to address other significant CSI issues in Phase 2. Specifically, the Commission will address a distributed generation cost benefit methodology, marketing and outreach plans, program evaluation, and the SDREO solar hot water heating pilot program. Commission staff continues to perform background research on these issue areas, and the parties will be informed as detailed schedules for these issue areas are determined. As set forth in the April 2006 scoping memo for this rulemaking, the timeframe for resolution of this case was extended beyond the 18-month deadline, and should conclude by March 2008.

Therefore, **IT IS RULED** that:

1. The Phase 2 schedule of this proceeding is revised with regard to low income and RD&D issues, as set forth in this ruling.
2. The CSI program administrators shall work jointly with interested parties and other experts to design a program of solar energy system financial assistance for low income multi-family residential housing, consistent with Assembly Bill 2723, no later than July 16, 2007.
3. The assigned ALJ's may modify these schedules after consultation with the assigned Commissioner.

Dated February 5, 2007, at San Francisco, California.

/s/ MICHAEL R. PEEVEY
Michael R. Peevey
President

INFORMATION REGARDING SERVICE

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Dated February 5, 2007, at San Francisco, California.

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